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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/552,312 | 04/19/2000 | Andrea Basso | IDS #1999-0097 | 4129 |
| 26652 | 7590 | 01/04/2008 | EXAMINER | |
| AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921 | | | SHANG, ANNAN Q | |
| | | | ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/552,312

Applicant(s)

BASSO ET AL.

Examiner

Annan Q. Shang

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____



Continuation of 11. does NOT place the application in condition for allowance because: With respect to the 103(a) rejection of claims 1, 3, 4 and 6, of the last office action, applicant traverses the rejection, discusses the prior arts of record (Cobbley 5,818,510; Peckover 6,119,101 and Dimitrova 6,363,380), and argues that one skill in the art would not be motivated to combine the references cites MPEP as to obviousness (see page 2+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes Applicant's arguments, however, Cobbley discloses method and system for providing broadcast information with indexing, where Device 112-130 is configured to classify a media collection as program versus commercials "secondary or associated data," such as real-time stock, weather report, text associated with video, etc., (fig.1, col.3, line 31-col.4, line 12, col.5, line 56-col.6, line 21, col.9, line 50-col.10, line 10 and col.15, lines 24-64); identify segments within classified program content based on synchronizing recognized speech from the speaker voice characteristics in each identified segment with captioning to extract stories (col.5, line 56-col.6, line 21, col.9, line 50-col.10, line 10 and col.15, lines 24-64), indexing further includes subject matter, particular characters interacting in the video and audio, hosted talk shows, show topics, gusts, etc. Cobbley further discloses analyzing content of the media collection to determine whether speech recognition data or closed captioning data may be used to index the media collection (col.5, line 56-col.6, line 21, col.9, line 50-col.10, line 10 and col.15, lines 24-64) and indexing (Index Data Capture Device 112) the media collection to create an indexed library based on the identified segments and synchronized speech (col.3, lines 55-col.4, line 12, lines 51-61, col.9, line 50-col.10, line 10 and col.15, lines 24-64) and a server for search query to the indexed media collection from a user; searching the indexed library to identify a set of candidate program segments based on the search query; presenting at the client device the set of candidate program segments for the user to browse and select (col.9, line 25-col.10, line 10, lines 26-col.12, line 1+ and col.15, lines 24-64). Although Cobbley teaches indexing based on subject matter and further teaches indexing secondary data, Cobbley is silent to indexing commercials. However, Peckover teaches indexing advertisements (col.14, line 57-col.15, line 1+ and col.23, line 25-col.24, line 1+). Cobbley as modified by Peckover, indexes hosted talk shows, show topics, gusts, etc., using various indexing techniques, such as speech recognition, closed captioning, etc., but silent to the use of a speaker voice characteristics (natural language): spoken segments, vocabulary speech recognition and parallel text alignment. However, Dimitrova discloses multimedia computer system with story segmentation capability and operating program, which sorts a set of story segments (multimedia, including television program) by detecting various features of the multimedia, including a speech recognition system which detects and identifies speakers using natural voice characteristics indexes/searches data base on the characteristic of the detected data (col.9, line 4-15, line 47-col.10, line 46, col.11, line 13-34, line 54-col.12, line 42 and col.14, line 24-col.15, line 1+). Hence combining the reference would have been obvious to one of ordinary skill in the art and the appropriate motivation was given.

As to applicant's argues that no motivation to combine the references and that examiner has not established a prima facie case of obviousness, Examiner maintains that, the test for obviousness is not whether the features of a secondary reference may be bodily incorporate into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. In this case all reference are in the same field of endeavor, as such combining the references would be within the knowledge of one of ordinary skill in the art. Furthermore it appears Applicant's arguments are directed against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In view of the above, the 103(a) rejection is proper, meets all the claim limitation. The finality of the last office action is hereby maintained.